

# SENATE BILL REPORT

## HB 2459

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As of February 21, 2012

**Title:** An act relating to the confiscation of commercial motor vehicle license plates when operated with a revoked registration.

**Brief Description:** Authorizing the Washington state patrol to confiscate license plates from a motor carrier who operates a commercial motor vehicle with a revoked registration.

**Sponsors:** Representatives Kagi, Armstrong and Johnson.

**Brief History:** Passed House: 2/09/12, 97-0.

**Committee Activity:** Transportation: 2/20/12.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Amanda Cecil (786-7429)

**Background:** Certain motor carriers operate commercial motor vehicles solely within the state of Washington (intrastate), while other motor carriers operate in multiple states (interstate). The Federal Motor Carrier Safety Administration (FMCSA) regulates interstate motor carriers and requires interstate motor carriers to have United States Department of Transportation (USDOT) numbers that enable FMCSA and the Washington State Patrol (WSP) to maintain a safety record for those carriers. Additionally, certain intrastate motor carriers are required by state law to obtain USDOT numbers. USDOT number enables WSP to maintain safety records for intrastate carriers as it does for interstate carriers.

A motor carrier that violates any state or federal vehicle safety requirements or any other rule of WSP is subject to various penalties. If a carrier is determined by WSP to be a high-risk carrier, they are liable for double the amount of the penalty of a prior violation if the high-risk carrier repeats the same violation during a follow-up compliance review. Each repeat violation is a separate and distinct offense, and, in the case of repeat continuing violations, each day's continuance is a separate and distinct violation. A motor carrier's USDOT number and vehicle registration may be revoked for certain violations or for nonpayment of penalties.

A motor carrier has a right to an administrative hearing to contest a violation or the penalty imposed. Any request for an administrative hearing must be made in writing and be received by WSP within 20 days after receipt of the notice imposing the penalty or disposition of a request for mitigation, whichever is later, or the right to a hearing is waived.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** WSP or other law enforcement agencies must confiscate and may recycle or destroy the license plates from a motor carrier who operates a commercial motor vehicle while the vehicle's registration is revoked, suspended, or cancelled. The confiscation of the license plates only applies to trucks, truck tractors, and tractors.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill addresses high-risk motor carriers that continue to use their trucks without valid registrations. These are companies who evade law enforcement by avoiding the weigh scales and the commercial vehicle enforcement officers. This bill will allow law enforcement to get these operators off the roads.

**Persons Testifying:** PRO: Jason Berry, WSP; Larry Pursley, WA Trucking Assn.